

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

IN RE:

Jeffrey A. Chase
Sue E. Chase
Debtors

Case No: 16-30070
(Chapter 13)

JUDGE GUY R. HUMPHREY

**CHAPTER 13 TRUSTEE'S OBJECTION TO CONFIRMATION
OF AMENDED PLAN FILED JULY 21, 2016 (DOC 29)**

The Chapter 13 Trustee objects to confirmation of the Debtors' amended plan filed July 21, 2016 (Doc 29), and as provided by 11 U.S.C. §1302(b)(2) recommends the plan not be confirmed, all as more fully set forth in the attached memorandum.

A plan has not been confirmed.

_____/s/ Jeffrey M. Kellner_____
JEFFREY M. KELLNER #0022205
CHAPTER 13 TRUSTEE
131 N LUDLOW ST SUITE 900
DAYTON, OH 45402-1161
(937) 222-7600 FAX (937) 222-7383
email: chapter13@dayton13.com

Chase 16-30070

The Debtor(s) have filed an amended plan that decreases the payment to the plan from \$1,725.00 to \$1,500.00 per month. The percent to be paid to the general unsecured creditors remains at 0%. The amended plan also proposes that no payment be made on the mortgage arrearage owed to CitiMortgage as the Debtor(s) are proposing to enter into a loan modification with CitiMortgage within 90 days of confirmation. If the loan modification is unsuccessful the Debtor(s) will modify the plan to cure the arrearage. The Debtor(s) have failed to show the ability to make the required plan payments. The Meeting of Creditors was scheduled for March 1, 2016. The Debtor(s) failed to appear and failed to make the first plan payment. The Debtor(s) made their first plan payment on March 21, 2016. The Debtor(s) have made only one additional payments since then. The Trustee filed a Motion to Dismiss this case for failed to make plan payment on July 19, 2016.

The Debtor(s) have failed to file with the amended plan an amended Schedule I-Your Income and an amended Schedule J-Your Expenses. The Debtor(s) have failed to file a plan in good faith pursuant to 11 U.S.C. § 1325(a)(3).

The Trustee submits that the amended plan fails to comply with the Local Rules of the United States Bankruptcy Court for the Southern District of Ohio under LBR 9013-1. The Debtor(s) have failed to notice the affected creditors. The Debtor(s) have failed to notice CitiMortgage.

CERTIFICATE OF SERVICE

16-30070

I hereby certify that on July 27, 2016, a copy of the attached was served on the following ECF participants electronically through the court's ECF System at the email address registered with the court.

OFFICE OF THE U S TRUSTEE
170 NORTH HIGH ST
SUITE 200
COLUMBUS, OH 43215

MICHAEL G WELLER
2121 MAMISBURG-CENTERVILLE
CENTERVILLE, OH 45459

And on the following by ordinary U.S. Mail, on July 27, 2016:

Jeffrey A. Chase
Sue E. Chase
1650 E Lindsey Ave
Mamisburg, OH 45342

(10.1n)
PATRICIA L JOHNSON
GERNER & KEARNS CO LPA
809 WRIGHTS SUMMIT PARKWAY
SUITE 200
FORT WRIGHT, KY 41011

1630070_6_20160725_1107_300/T208_ww
###